REMARKS

This application has been reviewed in light of the Office Action mailed June 27, 2006. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 26, 42, 43, 45 and 46 are currently elected for prosecution in the application with Claim 26 being in independent form.

I. Rejection of Claims 26, 42, 43, 45 and 46 Under 35 U.S.C. § 103(a)

Claims 26, 42, 43, 45 and 46 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 5,852,485 issued to Shimada et al. in combination with various references as cited in previous Office Actions.

The Examiner contends that all limitations recited in Claim 26 are obvious over Shimada et al. in view of U.S. Patent No. 5,818,550 issued to Kadota et al. and U.S. Patent No. 5,702,776 issued to Hayase et al.

The Examiner alleges that Shimada et al. discloses all the elements of independent claim 26, but acknowledges that Shimada et al. fails to teach a flat color filter and fails to teach forming an insulating layer between the pixel electrode and the common electrode.

Additionally, the Examiner alleges that the reference of Hayase et al. teaches a color filter having a flat surface formed on a lower substrate. Further, the Examiner alleges that it would be obvious to one of ordinary skill in the art to form an interlayer between two electrodes for insulating the electrodes and reducing crosstalk. Furthermore, the Examiner references Kadota et al. to modify Shimada so that the color filter 9 and a light shield 8c are formed over a protective layer 4c. Therefore, the Examiner alleges that the combination of the three references renders the present invention as recited in independent claim 26 obvious.

However, with respect to Applicants' claimed interlayer separation layer, the Examiner fails to consider that the cited references do not provide any suggestion of such a layer, nor its need in the devices as taught. Specifically, Shimada et al. teaches that the alignment layer 216 separates the pixel electrodes 211 and the counter electrodes 213; in Hayase et al., the liquid crystal 20 and orientation layers 191 and 192 separate the electrodes 121 and 122. The cited references appear to adequately separate the electrodes from each other. Therefore, no suggestion is provided in any of the cited prior art references for a need of an additional separation layer based on the disclosed arrangements of each reference.

Consequently, without submission, by the Examiner, of additional references showing use of an interlayer separation layer in combination with all the other limitations recited in Claim 26, a contention that inclusion of such an interlayer separation layer would be obvious to one skilled in the art is wholly without merit.

Therefore, Applicants respectfully submit that the rejection with respect to Claim 26 is traversed for the reasons provided above. Additionally, since Claims 42, 43, 45 and 46 depend from independent Claim 26, these claims include all the limitations recited by that independent claims, and thus would be allowable for the same reasons. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 26, 42, 43, 45 and 46 under 35 U.S.C. § 103(a) over Shimada et al. in view of Hayase et al. and Kadota et al.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 26, 42, 43, 45 and 46 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

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